

**STATE OF CALIFORNIA**  
**BUSINESS, TRANSPORTATION AND HOUSING AGENCY**  
**DEPARTMENT OF CORPORATIONS**

**TO: RICHARD UNWIN DBA EMERGICASH/VASHON**  
**1621 E. 17<sup>th</sup> Street, Suite A-1**  
**Santa Ana, CA 92705**

**AMENDED**  
**CITATIONS**  
**AND**  
**DESIST AND REFRAIN ORDER**  
**(Pursuant to California Financial Code section 23058)**

The California Corporations Commissioner finds that:

1. Richard Unwin dba Emergicash/Vashon Services, hereinafter “Licensee” is, and was at all relevant times herein, an individual with his principal place of business located at 1621 E. 17<sup>th</sup> Street, Suite A-1, Santa Ana, CA 92705.

2. On or about December 31, 2004, Licensee obtained a license from the California Corporations Commissioner (“Commissioner”) to engage in the business of deferred deposit transactions at 1621 E. 17<sup>th</sup> Street, Suite A-1, Santa Ana, CA 92705.

3. An examination of Licensee conducted by the Commissioner on December 10, 2007 disclosed the following violations at 1621 E. 17<sup>th</sup> Street, Suite A-1, Santa Ana, CA 92705.

Citation A. Licensee failed to include disclosure in advertising (postcard) that licensee is licensed by the Department of Corporations pursuant to the California Deferred Deposit Transaction Law in violation of Financial Code section 23027.

Citation B. Notice posted in conspicuous view of the public was in letters less than ½ inch in height in violation of Financial Code section 23019 and 23035 (d).

Citation C. Notice posted in conspicuous view of the public failed to contain disclosure that licensee cannot use the criminal process against a consumer to collect any deferred deposit transaction in violation of 23035 (d) (1). This violation was disclosed to you during the previous

1 regulatory examination conducted on March 24, 2006.

2 Citation D. Licensee failed to maintain evidence of the check for closed deferred deposit  
3 transactions in violation of California Code of Regulations section 2025 (c) (1).

4 Pursuant to California Financial Code section 23058, Licensee is hereby ordered to pay to  
5 the Commissioner an administrative penalty in the total amount of \$6,500 for the following  
6 Citations within 30 days from the date of these Citations.

7  
8 Citation A. \$1,000

9 Citation B. \$500

10 Citation C. \$2,500

11 Citation D. \$2,500

12 Pursuant to California Financial Code section 23050, Licensee is hereby ordered to desist  
13 and refrain from engaging in the business of deferred deposit transactions in the State of  
14 California in violation of the above referenced sections.

15 These Citations and Desist and Refrain Order are necessary, in the public  
16 interest, for the protection of consumers and is consistent with the purposes, policies and  
17 provisions of the California Deferred Deposit Transaction Law. These Citations and Desist and  
18 Refrain Order shall remain in full force and effect until further order of the Commissioner.

19 These Citations are separate from any further action that may include  
20 other administrative, civil or criminal remedies that the Commissioner may take based upon the  
21 violations of law cited herein or otherwise.  
22

23 California Financial Code section 23058 provides, in relevant part:

24 (a) If, upon inspection, examination or investigation, based upon a  
25 complaint or otherwise, the department has cause to believe that a person  
26 is engaged in the business of deferred deposit transactions without a license,  
27 . . . the department may issue a citation to that person in writing, describing  
28 with particularity the basis of the citation. Each citation may contain . . . an  
assessment of an administrative penalty not to exceed two thousand five hundred  
dollars (\$2,500) . . . .

. . .

(c) If within 30 days from the receipt of the citation of the person cited fails to notify the department that the person intends to request a hearing as described in subdivision (d), the citation shall be deemed final.

(d) Any hearing held under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code . . . .

California Financial Code section 23050 provides:

Whenever, in the opinion of the commissioner, any person is engaged in the business of deferred deposit transactions, as defined in this division, without a license from the commissioner, or any licensee is violating any provision of this division, the commissioner may order that person or licensee to desist and to refrain from engaging in the business or further violating this division. If, within 30 days, after the order is served, a written request for a hearing is filed and no hearing is held within 30 days thereafter, the order is rescinded.

The request for a hearing may be made by delivering or mailing a written request to:

Steven Thompson  
Special Administrator  
California Deferred Deposit Transaction Law  
Department of Corporations  
320 West 4<sup>th</sup> Street, Ste. 750  
Los Angeles, California 90013-2344  
(213) 576-7610

Dated: July 10, 2008  
Los Angeles, CA

PRESTON DUFAUCHARD  
California Corporations Commissioner

By \_\_\_\_\_  
Steven C. Thompson  
Special Administrator  
California Deferred Deposit Transaction Law